

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES of the MID-AMERICAN CARPENTERS)	
REGIONAL COUNCIL HEALTH FUND et al.,)	
)	
Plaintiffs,)	Case No. 22-cv-6213
)	
)	Judge Virginia M. Kendall
)	
v.)	
)	
DESIGN BY THREE CONSTRUCTION, INC.)	
and TIFFANY WILSON,)	
)	
Defendants.)	

Motion to Reinstate and for Judgment

Plaintiffs, by its attorney, Daniel P. McAnally, move this Honorable Court to reinstate this case and enter judgment and in support state:

1. This is an ERISA trust fund case for delinquent contributions.
2. On March 3, 2023 this case was dismissed with leave to reinstate pursuant to the settlement of the parties. (*Exhibit A, Agreed Order of Dismissal*)
3. The Plaintiffs and Defendant entered into a settlement agreement, whereby the Defendant agreed to pay \$77,762.50 in partial payments, Exhibit A, paragraph one. If the Defendant defaulted on the payments, the Plaintiffs retained the right to reinstate this case and enter judgment for the balance owed on the payment arrangement plus any additional contributions owed, accrued interest, accrued liquidated damages and the attorney fees in preparation and in the enforcement of the settlement, Exhibit A, paragraphs four and five.
4. Additionally, in the event of a breach, the owner, Tiffany Wilson, agreed to be personally liable for the dues and vacations savings deducted from the employees' paychecks in the amount of \$3,801.16.

5. The Defendant defaulted on the Agreement by both failing to make payments on the agreed amount and remaining current on its monthly reporting and payment obligations to the Trust Funds. As a result of the default the Defendant now owes the Plaintiff \$63,174.93 which represents the balance due on the agreement plus delinquent contributions, the accrued interest, accrued liquidated damages and attorney fees. (See Declarations, Exhibits B and C.)

WHEREFORE, Plaintiffs pray that this case be reinstated and that judgment be entered against Design By Three Construction, Inc. in the amount of \$63,174.93 and also against Tiffany Wilson in the amount of \$3,801.16.

Respectively submitted,

s/ Daniel P. McAnally
Attorney for Plaintiffs

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EXHIBIT LIST

EXHIBIT A

Agreed Order of Dismissal

EXHIBIT B

Sworn Declaration Pursuant to 28 U.S.C.A. § 1746
John Conklin, Manager, Contributions Department
Mid-America Carpenters Regional Council
Benefit Funds

EXHIBIT C

Sworn Declaration Pursuant To 28 U.S.C.A. § 1746
Daniel P. McAnally, Plaintiffs' Attorney